

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Katharine S. Hayden

v. : Crim. No. 12-336 (KSH)

JOHN BALSAMO : ORDER FOR CONTINUANCE

This matter having been opened to the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey, (Leslie F. Schwartz, Assistant U.S. Attorney, appearing), and defendant John Balsamo, (John H. Yauch, Assistant Federal Public Defender, appearing), for an order granting a continuance of the proceedings in the above-captioned matter, and the issue of a continuance first having been raised at the defendant's arraignment on June 5, 2012, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18, United States Code, Section 3161(c)(1), and the defendant having consented to such a continuance, and it appearing that the defendant waives such right, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The discovery in this case includes audio recordings that defense counsel and defendant require adequate time to review;

(2) Taking into account the exercise of diligence, therefore, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation in this matter, including the filing of pretrial motions;

(3) The United States and the defendant desire time to explore the possibility of a plea agreement, which would render trial of this matter unnecessary;

(4) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE, on this 29<sup>th</sup> day of June, 2012,

ORDERED that:

1. Defendant shall file any pretrial motions on or before August 29, 2012.

2. The government shall file its response to defendant's pretrial motions on or before September 19, 2012.

3. Defendant shall file its reply to the government's response, if any, on or before October 3, 2012.

4. A case management conference will be scheduled following

the filing of motions to set a schedule for further proceedings, including trial.

5. The period of time from June 5, 2012 through August 29, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974.

*Katharine S. Hayden*  
HON. KATHARINE S. HAYDEN  
United States District Judge

Form and entry consented to:

*Leslie F. Schwartz*  
LESLIE F. SCHWARTZ  
Assistant U.S. Attorney

*John H. Tauch*  
JOHN H. TAUCH  
Assistant Federal Public Defender